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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,112	11/26/2003	Christopher S. Campbell	ARC920030088US1	1350

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EXAMINER

COLAN, GIOVANNA B

ART UNIT PAPER NUMBER

2162

MAIL DATE DELIVERY MODE

01/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/723,112

Applicant(s)

CAMPBELL ET AL.

Examiner

Giovanna Colan

Art Unit

2162

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: 1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies ("ignoring their similarities in all other aspects not relevant to the query"; and "rate of success of relevance (i.e., matching) of each document the specific topic of the user query") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The limitation including "the concept of collection", as stated by applicant's arguments, is not disclosed by the claim language. This limitation would require further search by the Examiner.

2. Applicant argues that the prior art fails to disclose; "classifiers are operable to retrieve documents from said database base solely on whether said documents are relevant to said query input".

Examiner respectfully disagrees. The applied art does disclose: classifiers are operable to retrieve documents from said database base solely on whether said documents are relevant to said query input (Col. 3 and 4, lines 1 - 3 and 14 - 19; respectfully, ... the confidence value or score characterizes the relevance of a particular document to a given query ... documents would be placed in a result set and displaced to a user according to their confidence value or score ...; Palmer).

3. Applicant argues that the prior art fails to disclose; "input distribution" and "output distribution".

Examiner respectfully disagrees. The applied art does disclose: input distribution (Col. 5, lines 41 - 45, Woo) and output distribution (Fig. 8, item 72, Col. 5 and 15, lines 41 - 45 and 20 - 21; respectfully, Woo).

4. Applicant argues that the prior art fails to disclose; "expectation maximization methodology".

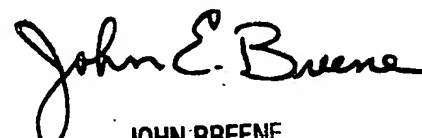
Examiner respectfully disagrees. The applied art does disclose expectation maximization methodology (See - Final Office Action dated October 12, 2006, Page 11, Response to Argument 4).

5. Applicant argues that the prior art fails to disclose; "weighing an output from the cascade of classifier layers according to a rate of success of query terms being matched by each layer of the cascade of classifier layers".

Examiner respectfully disagrees. The applied prior art does disclose weighing an output from the cascade of classifier layers according to a rate of success of query terms being matched by each layer of the cascade of classifier layers (Col. 16, lines 1 - 11, Wherein examiner interprets the confidence score as the rate of success claimed; and the b category as the terminal classifier claimed, Palmer; and Col. 5, lines 54 - 61, Wherein examiner interprets $\text{prob}(F_i \text{ is the best matching filter for } t)$ as the rate of success claimed, Woo).

6. Applicant argues that; the Examiner has not met prima facie case of obviousness"

Examiner respectfully disagrees. As stated in the Final Office Action dated October 12, 2006, the Examiner has met prima facie case of obviousness (See - Final Office Action dated October 12, 2006, Page 13, Response to Argument 7)..


JOHN BREENE
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